

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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KIRAH D.

Plaintiff,

3:18-CV-110  
(CFH)

v.

ANDREW SAUL, COMMISSIONER OF  
SOCIAL SECURITY,<sup>1</sup>

Defendant.

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**APPEARANCES:**

Lachman, Gorton Law Firm  
P.O. Box 89  
1500 East Main Street  
Endicott, New York 13761-0089  
Attorneys for plaintiff

**OF COUNSEL:**

PETER A. GORTON, ESQ.

U.S. Social Security Administration  
26 Federal Plaza  
New York, New York 10019  
Attorneys for defendant

BENIL ABRAHAM, ESQ.  
DANIEL STICE TARABELLI, ESQ.

**ORDER REGARDING PAYMENT OF FEES**

On March 21, 2019, plaintiff filed a motion for attorneys fees. Dkt. No. 23.

Plaintiff's counsel demanded \$8,494.64 in attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. Id. On April 9, 2019, defendant responded. Dkt. No.

25. Defendant indicated that she did not object to plaintiff's demand for attorney's fees, but noted that plaintiff requested the funds be payable directly to her attorney, rather

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<sup>1</sup> Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42 U.S.C. § 405(g)(action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

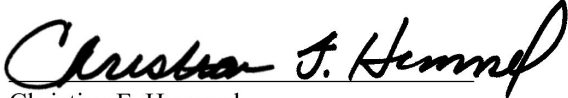
than to plaintiff. Id. Noting that it is unclear that plaintiff does not owe a debt to the government, defendant indicated that she does not object to making the payment directly to plaintiff's counsel as long as, "[i]f, at the time of the EAJA order, Plaintiff does not owe a debt to the government that is subject to offset." Id. Following a text order from the Court directing plaintiff to advise the Court whether she has any debts to the government subject to offset, dkt. no. 26, plaintiff submitted an affidavit contending that she does not. Dkt. No. 26.

Accordingly, plaintiff's motion for attorney's fees is GRANTED. Dkt. No. 23. An amount of \$8,494.64 in attorney's fees will be made payable to plaintiff's counsel pursuant to the Equal Access to Justice Act, 28 U.S.C. 2412. Such award is made in full satisfaction of any and all claims for attorney's fees, costs, and other expenses in connection with this action. The Court having reviewed the record in this matter, it is hereby

**ORDERED**, that plaintiff's Motion for Attorney's fees (dkt. no. 23) is **GRANTED**, and that be allowed a fee award under the Equal Access to Justice Act in the amount of \$8,494.64 in attorney's fees payable to plaintiff's counsel.

**IT IS SO ORDERED.**

Dated: September 11, 2019  
Albany, New York

  
Christian F. Hummel  
U.S. Magistrate Judge